

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

BMS SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS PLAINTIFF'S MOTION TO RESCHEDULE DATES RELATED TO
FINAL APPROVAL OF THE BMS SETTLEMENT**

Class Plaintiff submits this motion seeking Court approval of a revised schedule establishing opt-out, objection and claims filing dates and to reschedule the date for the final fairness hearing related to the BMS Settlement, currently scheduled for July 9, 2010. A proposed form of order is attached hereto for the Court's consideration.

As the Court is aware, Class counsel have been working with the CMS data vendor to provide data to be used to provide direct mail notice of the settlement to Class 1 consumers using CMS contact and payment data. Publication notice and notice to Third Party Payors is also timed to coincide with the mailing of notice to Class 1. While the CMS vendor responsible for providing the Class 1 data has previously encountered delays in providing the data, some data has now been produced and class counsel is working with the vendor to ensure that all requested data is complete. Class counsel anticipate they will soon have the data necessary to mail notice to Class 1. Consequently, Class Plaintiffs move to amend the schedule associated with notice and the final approval of the BMS settlement so as to allow for the provision of notice to class members prior to a final approval hearing related to the Settlement. Class Plaintiffs request the schedule be entered as follows:

Date	Event
September 17, 2010	Mailing of individual notices; publication of notice
October 15, 2010	Deadline for Class 1 members to return Claim Cards
October 29, 2010	Deadline for objections, requests for exclusions, and notices of appearance
November 5, 2010	Briefs in support of final approval and Class Counsel's fee petition due
November 12, 2010	Final approval hearing (to be determined by the Court based on the Court's availability)
November 19, 2010	Claims deadline for all Classes

For the reasons set forth above, Class Counsel respectfully request that the Court approve the revised schedule set forth above and that the Court enter the proposed Order filed herewith.

DATED: July 2, 2010

By /s/ Steve W. Berman
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CLASS COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **CLASS PLAINTIFF'S MOTION TO RESCHEDULE DATES RELATED TO FINAL APPROVAL OF THE BMS SETTLEMENT**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on July 2, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman